



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 F St. N.E.  
Washington, D.C. 20549

DIVISION OF ENFORCEMENT

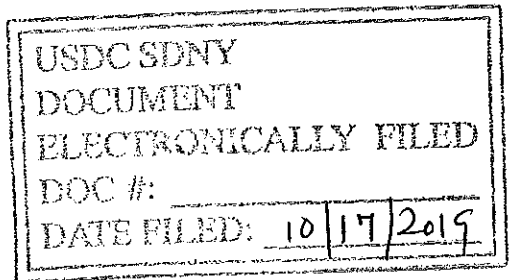
Olivia S. Choe  
Trial Counsel  
(202) 551-4881  
choeo@sec.gov

October 16, 2019

VIA ECF

Honorable Denise L. Cote  
United States District Court  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSE**



Re: SEC v. Lek Securities Corp. et al., Case No. 17 CV 1789 (DLC)

Dear Judge Cote,

Pursuant to the Court's October 15, 2019 Order (ECF No. 506), the parties wish to advise the Court of the following proposed revisions to the factual descriptions set forth in the Order:

1. In paragraph 1, Mr. Pustelnik's name is misspelled in the third sentence.
2. The parties proposed that paragraph 2 be modified as follows: "The traders who placed trades through defendant Avalon FA Ltd principally reside in Russia, Ukraine, and Asia."

In addition, at the October 11, 2019 Pretrial Conference, the Court proposed that any witnesses who appear on both the plaintiff's and defendants' witness lists only appear once, during the plaintiff's case in chief, and asked the parties to advise the Court this week whether they agree to this procedure. The parties' positions are as follows:

1. The SEC agrees to this procedure, provided that if all witnesses testify during the SEC's case in chief (including the defendants' direct examination of certain witnesses), the SEC be allowed to call witnesses in rebuttal at the conclusion of its case, just as the SEC would if witnesses had been called during the defendants' case in chief.
2. The Defendants agree to this procedure for the convenience of non-party witnesses. Because the same convenience issues are not applicable to the party witnesses, Defendants object to being required to put on their defense through those witnesses out of order during the SEC's case. Moreover, the party witnesses may need to respond on direct to testimony presented by SEC witnesses testifying after their appearance in the

SEC's case. Therefore, Defendants request permission to put their party witnesses on direct after the close of the SEC's case in chief.

Respectfully submitted,

/s/ Olivia S. Choe

Olivia S. Choe

cc: Counsel of record (via ECF)

*If called by the SEC, Defendants  
Fayez and Dantelnik may also  
testify a second time on  
the defense case.*

*Olivia S. Choe*  
*10/17/19*